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HOUSE JOINT RESOLUTION 151
By Winningham

A RESOLUTION To urge the President and the Congress of the United States of America to increase funding for special education to the 40 percent federal share level authorized by the Individuals with Disabilities Education Act.

WHEREAS, In a move away from the historical concept of federalism, the Congress of the United States in 1975 enacted Public Law 94-142, the Education for All Handicapped Children Act, known since 1990 as the Individuals with Disabilities Education Act (IDEA); this act moved decision-making about the provision of special education services away from the states to Washington, D.C.; and

WHEREAS, In recognition of the alteration of the balance between state and federal responsibility and power, the act authorized the appropriation of a sum equal to 40 percent of the average per pupil expenditure for general education pupils to go to special education; the level of federal funding, however, has remained at less than half of the mandated percentage; and

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WHEREAS, In 1995, Congress passed the "Underfunded Mandates Reform Act" which states that "the Federal Government should not shift certain costs to the states, and the states should end the practice of shifting costs to local governments, which forces many local governments to increase property taxes"; and

WHEREAS, The National Council on Disability recently reported that many children with disabilities are receiving substandard schooling because states are not complying with federal rules on special education; in the meantime, costs associated with serving children with disabilities continues to rise, reinforcing the reality that meeting those substantial costs requires close cooperation between local, state and federal governments; and

WHEREAS, The ability of states to meet their responsibilities to educate children with disabilities is dependent upon action by the federal government to meet the mandated funding level of 40 percent of the expenditures for general education pupils; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That we hereby urge the United States Congress and President George W. Bush to increase funding for special education to meet the statutory goal of providing 40 percent of the national average per-pupil expenditure required to serve children and youth with disabilities.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to President George W. Bush, each member of the Tennessee Congressional delegation, Senate Majority Leader Trent Lott, Senate Minority Leader Tom Daschle, Speaker of the House of Representatives Dennis Hastert, House Majority Leader Richard Armey, House Minority Leader Richard Gephardt and the National Conference of State Legislatures.

BE IT FURTHER RESOLVED, That an appropriate copy of this resolution be prepared for presentation with this final clause omitted from such copy.

